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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,319	03/26/2002	Toru Maeda	1018.1130101	5809
28075	7590	12/03/2004	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC			BROWN, VERNAL U	
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SUITE 800			PAPER NUMBER	
MINNEAPOLIS, MN 55403-2420			2635	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,319

Applicant(s)

MAEDA ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) 3,10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This action is responsive to communication filed on September 8, 2004.

Response to Amendment

The examiner has acknowledged the amendment of claims 1-3, 6-10, 13-14, and the addition of claims 15-20.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-9, and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. U.S Patent 6211776 in view of Flick U.S Patent 6188326 and further in view of Kubler et al. U.S Patent 6525648.

Regarding claim 1, Rohrl et al. teaches a vehicle remote controller comprising a portable device (7) carried by a driver and a transceiver (1) arranged in a vehicle to output a request signal for intercommunicating with the portable device (col. 3 lines 35-38). Rohrl et al. is however silent on teaching selectively outputting a transponder driving radio wave and the transceiver has a common antenna for transmitting the request signal

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and the transponder driving radio wave. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8 lines 39-49) and the received signal causes the transponder to transmits its coded message to the controller (col. 8 lines 50-53). The signal received from the controller which causes the transponder to transmits its coded message is also considered the request signal and the common antenna attached to the transmitter 83 is used for transmitting the request signal and the transponder driving signal (figure 4) but is also silent on teaching selectively outputting the request and the transponder powering signal. Kubler et al. in an art related interrogation and transponder communication system teaches an interrogation selectively outputting a transponder powering signal (col. 9 lines 38-45) and request signal (102) in order to change transponder from an inactive state to an active state.

It would have been obvious to one of ordinary skill in the art to use a common antenna to output a transponder driving radio wave and the request signal in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests a controller outputting signal via an antenna to a portable device and Flick teaches a transponder operating in the passive mode and is powered by extracting energy from the received signal and the signal received from the controller which cause the transponder to transmits its coded message and Kubler et al. further teaches an interrogation selectively outputting a transponder powering signal and request signal in order to change transponder from an inactive state to an active state.

Regarding claims 2 and 9, Rohrl et al. teaches the transceiver outputs the request signal in at least one of a first area, which is in a vehicle passenger compartment (col. 5 lines 46-55), and an area outside the vehicle passenger compartment (col. 7 lines 14-17)

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but is silent on teaching outputting the transponder driving signal in the area which is inside the vehicle compartment. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8 lines 39-49). Flick further teaches outputting the transponder wave when the key is in the ignition (figure 4) that is an area inside the vehicle compartment.

It would have been obvious to one of ordinary skill in the art to output the transponder driving signal in the area which is inside the vehicle compartment in Rohrl et al. as evidenced by Flick because Rohrl et al. suggest a transceiver outputting the request signal inside and outside of the vehicle compartment and Flick teaches outputting the transponder driving signal in the area which is inside the vehicle compartment so as to enable the operation of the vehicle when the operator is inside the vehicle.

Regarding claims 4 and 11, Rohrl et al. teaches an antenna (6) near the center of the vehicle (figure 5).

Regarding claims 5 and 12, Rohrl et al. teaches an antenna (6) near the center of the vehicle (figure 5) but is not explicit in teaching the antenna is arranged on a center console. One skilled in the art recognizes that the console is generally located in the center of the automobile and it is therefore obvious for the centrally located antenna to be located on the console.

It would have been obvious to one of ordinary skill in the art for the antenna to be arranged on a center console in Rohrl et al. in view of Flick because Rohrl et al. in view of Flick suggests an antenna near the center of the vehicle and one skilled in the art recognizes that the console is generally located in the center of the automobile and it is therefore obvious for the centrally located antenna to be located on the console.

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Regarding claims 6 and 13, Rohrl et al. teaches detecting the transponder (col. 3 lines 42-47) but is silent on teaching a mounting portion on the portable device and a detecting means which is arranged on the mounting portion to detect whether the portable device is placed when the detecting means detects that the portable device is placed on the mounting portion, and the transceiver output the transponder driving radio wave. Flick in an art related vehicle control system teaches detecting the key place in the mounting portion formed by the steering column (figures 4-5) and the transceiver output the transponder driving radio wave (col. 8 lines 50-55).

It would have been obvious to one of ordinary skill in the art to have a mounting portion on the portable device and a detecting means which is arranged on the mounting portion to detect whether the portable device is placed when the detecting means detects that the portable device is placed on the mounting portion, and the transceiver output the transponder driving radio wave in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests detecting the presence of the transponder and Flick teaches detecting the presence of the transponder by detecting the key place in the mounting portion formed by the steering column and the transceiver output the transponder driving radio wave in order to enable the vehicle operation.

Regarding claim 7, Rohrl et al. teaches the transponder (7) is disposed on a card in handle of the key (col. 4 lines 33-35) but is not explicit in teaching the transponder of the mechanical key receives the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave and transmitting the transponder signal to the transceiver. Flick in an art related vehicle control system teaches a key switch (84) for enabling the

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start of the engine and teaches a transponder attached to the mechanical key (figure 4). Flick also teaches receiving the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave and transmitting the transponder signal to the transceiver (col. 8 lines 39-49).

It would have been obvious to one of ordinary skill in the art for the transponder of the mechanical key receives the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave and transmitting the transponder signal to the transceiver in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests the transponder is disposed on a card in handle of the key and power is extracted from the received signal and Flick teaches the transponder attached to a mechanical key receiving the transponder driving radio wave for generating electric power from the transceiver and generating a transponder signal according to the transponder driving radio wave.

Regarding claims 8 and 14, Rohrl et al. teaches a vehicle remote controller comprising a transceiver (1) arranged in a vehicle to generate a request signal (col. 3 lines 35-38) and a portable device (7) carried by a driver, the portable device having a request signal processing circuit for receiving the request signal from the transceiver, generating a first signal based on the request signal, and transmitting the first signal to the transceiver (col. 3 lines 44-47). Rohrl et al. is however silent on teaching outputting a transponder driving radio wave and the transceiver has a common antenna for transmitting the request signal and the transponder driving radio wave. Flick in an art related vehicle control system teaches outputting a transponder driving radio wave (col. 8

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lines 39-49) and the received signal causes the transponder to transmits its coded message to the controller (col. 8 lines 50-53). The signal received from the controller which causes the transponder to transmits its coded message is also considered the request signal and the common antenna attached to the transmitter 83 is used for transmitting the request signal and the transponder driving signal (figure 4). Kubler et al. in an art related interrogation and transponder communication system teaches an interrogation selectively outputting a transponder powering signal (col. 9 lines 38-45) and request signal (102) in order to change transponder from an inactive state to an active state.

It would have been obvious to one of ordinary skill in the art to use a common antenna to output a transponder driving radio wave and the request signal in Rohrl et al. as evidenced by Flick because Rohrl et al. suggests a controller outputting signal via an antenna to a portable device and Flick teaches a transponder operating in the passive mode and is powered by extracting energy from the received signal and the signal received from the controller which cause the transponder to transmits its coded message and Kubler et al. further teaches an interrogation selectively outputting a transponder powering signal and request signal in order to change transponder from an inactive state to an active state.

Regarding claims 15-17, Rohrl et al. in view of Flick teaches a transponder receiving an request signal and the transponder further extracting the transponder driving signal from the interrogating signal (see response to claim 1) but is silent on teaching the request signal and the transponder driving signal are of the same frequency. Kubler et al. in an art related interrogation and transponder communication system teaches an interrogation outputting a transponder powering signal (col. 9 lines 38-45) and request

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signal (102). Kubler et al. further teaches the transponder operating at a single frequency (col. 7 lines 20-23) implying that the request signal and the transponder driving signal is of the same frequency.

It would have been obvious to one of ordinary skill in the art for the request signal and the transponder driving signal to be of the same frequency in Rohrl et al. in view of Flick as evidenced by Kubler et al. because Rohrl et al. in view of Flick suggest a transponder receiving an request signal and the transponder further extracting the transponder driving signal from the interrogating signal and Kubler et al. teaches transponder operating at a single frequency (col. 7 lines 20-23) implying that the request signal and the transponder driving signal is of the same frequency and therefore simplifying the transponder design.

Regarding claims 18-20, Rohrl et al. teaches the portable device transmits a transponder signal that is received by the antenna of the transceiver (col. 3 lines 48-51).

Allowable Subject Matter

Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 10, the prior art of record fail to teach or suggests the request signal is output in a first area and a second area smaller than the first area where the transponder driving radio wave is output.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
November 4, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

